

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVON DEMIA SMITH,

Defendant.

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8:13CR276

ORDER

This matter is before the court on the motion to continue by defendant Devon Demia Smith (Smith) (Filing No. 21). Smith seeks a continuance of the trial of this matter which is scheduled for September 30, 2013. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Smith's motion to continue trial (Filing No. 21) is granted.
2. Smith shall file her affidavit in accordance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order **on or before September 26, 2013.**
2. Trial of this matter is re-scheduled for **November 4, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 17, 2013, and November 4, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 17th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge